

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

March 6, 2007

In Reply Refer To:
Black Marlin Pipeline Company
Docket No. RP07-146-000

Black Marlin Pipeline Company
2800 Post Oak Blvd
Houston, TX 77056

Attention: Larry Jensen
Regulatory Affairs Manager

Reference: Waiver Request

Ladies and Gentlemen:

1. On January 25, 2007, Black Marlin Pipeline Company (Black Marlin) filed a "Petition for Waiver of Tariff Provisions and Request for Expedited Action" to waive section 4.1 of its General Terms and Conditions (GT&C). Section 4.1 of the GT&C requires gas volumes on Black Marlin's system to be measured according to the ANSI/API 2530 Standard¹ which sets a minimum size on the orifice plate that can be installed to measure the volumes. Black Marlin has filed for the waiver in order to permit it to install an orifice plate which is smaller than the minimum allowed in section 4.1 of its tariff in order to help correct measurement inadequacies.

2. Black Marlin states that it has reported a drop in production over the last two years due to the natural depletion of the reserves attached to the system. Black Marlin states that the orifice plate size on its 16-inch Dow/Union Carbide outlet meter currently is 3.250 inches, which is the smallest plate allowed by current industry standards as prescribed in ANSI 2530/API 14.3 part 2 (the ANSI Standard).

¹ American National Standards Institute/American Petroleum Institute (ANSI/API) standards are the recommended standards and practices of the American Petroleum Institute.

3. Black Marlin states, however, that as a result of low volumes flowing on its pipeline system, the gas measurement is becoming unreliable and inaccurate. Because of continuing unreliable and inaccurate measurement at the Dow/Union Carbide delivery point, Black Marlin states that it declared an operational flow order (OFO) at that point effective January 26, 2007, which stipulates that Black Marlin will cease accepting nominations and scheduling any gas for delivery to the Dow/Union Carbide delivery point until corrective action has been taken. Further, Black Marlin states that, in an effort to boost the differential pressures across the orifice plate within the 16 inch meter tube to provide for more accurate measurement, it is having a special 2.50-inch orifice plate fabricated, which is smaller than the minimum plate allowed by the ANSI standard. Black Marlin states that it is requesting the subject waiver so it can install the 2.50-inch orifice plate.

4. The Commission issued notice of Black Marlin's filing on February 2, 2007, allowing for protests as provided by section 154.210 of the Commission's regulations. Pursuant to Rule 214, 18 C.F.R. § 385.214 (2006), all timely filed motions to intervene and any motions to intervene out-of-time filed before the issuance date of this order are granted. Granting late intervention at this stage of the proceeding will not disrupt this proceeding or place additional burdens on existing parties. No party filed a protest or adverse comments.

5. For good cause shown, we grant Black Marlin's proposed waiver of section 4.1 of the GT&C of its tariff. The new orifice plate should correct the measurement errors Black Marlin has been experiencing and allow Black Marlin to remove its OFO at the Dow/Union Carbide delivery point.

By direction of the Commission.

Philis J. Posey,
Acting Secretary.

cc: All Parties

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